

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD WHITLEY, CAROLETA M. DURAN,)
TERRY J. KOCH, MARK D. GRANDY, JOHN)
M. GATES, and SCOTT NEWELL, on behalf of)
themselves and those similarly situated,)

Plaintiffs,)

v.)

J.P. MORGAN CHASE & CO.; JPMORGAN)
CHASE BANK N.A.; and J.P. MORGAN)
INVESTMENT MANAGEMENT INC., aka J.P.)
MORGAN ASSET MANAGEMENT,)

Defendants.)

MICHAEL KNEE, *et al.*)

Plaintiffs,)

v.)

J.P. MORGAN RETIREMENT PLAN)
SERVICES, LLC, *et al.*)

Defendants.)

JOHN STOLWYK, *et al.*)

Plaintiffs,)

v.)

J.P. MORGAN CHASE, N.A. *et al.*)

Defendants.)

DARYL EVANS, *et al.*)

Plaintiffs,)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/8/2014

Case No. 12-cv-2548-VSB

Case No. 13-cv-6337-VSB

Case No. 14-cv-02273-VSB

v.)	Case No. 14-cv-02276-VSB
)	
J.P. MORGAN CHASE, N.A. <i>et al.</i>)	
)	
<i>Defendants.</i>)	
)	
)	
KIMBERLY ADAMS, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
v.)	Case No. 14-cv-07593-VSB
)	
J.P. MORGAN RETIREMENT PLAN)	
SERVICES, LLC, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	
STAHR ASHURST, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
v.)	Case No. 14-cv-07594-VSB
)	
J.P. MORGAN RETIREMENT PLAN)	
SERVICES, LLC, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

STIPULATION AND [REDACTED] ORDER OF CONSOLIDATION

WHEREAS, Knee v. J.P. Morgan Retirement Services, LLC, et al., Case No. 13-cv-633-VSB; Stolwyk v. J.P. Morgan Chase, N.A., et al., Case No. 14-cv-02273-VSB; Evans v. J.P. Morgan Chase, N.A., et al., Case No. 14-cv-02276-VSB; Adams v. J.P. Morgan Retirement Services, LLC, et al., 14-cv-07593-VSB; and Ashurst v. J.P. Morgan Retirement Services, LLC, et al., Case No. 14-cv-07594-VSB have all been deemed by the Court as related to Whitley et al. v. J.P. Morgan Chase & Co. et al., Case No. 12-cv-2548-VSB, and all the above referenced actions are currently under the purview of this Court;

WHEREAS, on April 27, 2014, the Defendants in the *Whitley*, *Stolwyk*, and *Evans* cases filed a Motion to Consolidate All Related Actions, which this Court heard on June 5, 2014, and

which is still pending; and

WHEREAS, this Order resolves such motion and constitutes a withdrawal of Plaintiffs' oppositions to the motions;

NOW, THEREFORE, THE PARTIES STIPULATE AND THE COURT ORDERS, as follows:

I. CONSOLIDATION OF RELATED CASES

The above-captioned actions, and any action arising out of the same operative facts now pending or hereafter filed in or transferred to this Court, are consolidated pursuant to Federal Rule of Civil Procedure 42(a), under the low-numbered case, and shall be referred to collectively as *In re J.P. Morgan Stable Value Fund ERISA Litigation*, Master File No. 12-cv-2548-VSB (the “Consolidated Action”). Upon entry of this Order, Plaintiffs shall submit the Consolidated Complaint with proposed redactions to the Court pursuant to Judge Broderick’s Civil Rules and Practices 5.B. and, upon approval of the redactions, shall promptly file a redacted version of the Consolidated Complaint and submit an unredacted version of the Consolidated Complaint for filing under seal.

The Law Offices Of Michael M. Mulder and Schneider Wallace Cottrell Konecky Wotkyns LLP are hereby appointed Interim Lead Counsel for Plaintiffs in the consolidated action.

II. CAPTION

Every pleading filed in the Consolidated Action shall bear the following caption:

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re J.P. Morgan Stable Value Fund ERISA Litigation) Master File No. 12-cv-2548-VSB

III. MASTER DOCKET

The docket in Case No. 12-cv-2548-VSB shall constitute the Master Docket for this Consolidated Action, including actions subsequently consolidated herein pursuant to this Order. Entries in said Master Docket shall be applicable to the Consolidated Action, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order. When a pleading is filed under the consolidated caption, pursuant to this Order, the Clerk shall file such pleading in the Master File and note such filing in the Master Docket. No further copies need be filed nor other docket entries made.

IV. MASTER FILE AND SEPARATE ACTION FILES

A Master File is hereby established for the consolidated proceedings in the Consolidated Action. The Master File shall be Case No. 12-cv-2548-VSB. The original of this Order shall be filed by the Clerk in the Master File herein established. The Clerk shall file a copy of this Order in each such separate file. The Clerk shall email a copy of this Order to counsel of record in each of the actions consolidated herein through ECF.

V. NEWLY FILED OR TRANSFERRED ACTIONS

When a case that arises out of the same operative facts as the Consolidated Action is hereinafter filed in or transferred to this Court, it shall be consolidated as provided in section I above and the Clerk of this Court shall:

- (a) File a copy of this Order in the separate file for such action;
- (b) Send a copy of this Order to the plaintiff(s) (through their counsel, if applicable) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and
- (c) Make the appropriate entry in the Master Docket.

The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated with this Consolidated Action.

VI. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

This Order shall apply to each action which is subsequently filed in or transferred to this Court alleging claims similar to those set forth in these actions through the Consolidated Complaint and brought on behalf of any participants in or beneficiaries of ERISA plans which offered the J.P. Morgan Stable Value Funds described in the Consolidated Complaint as investment options, unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or any of its provisions within twenty (20) days after the date on which the Clerk mails a copy of this Order to that party (through its counsel, if applicable). The provisions of this Order shall apply to such action pending the Court's ruling on the application. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to file a separate complaint, defendants shall not be required to answer, plead, or otherwise move with respect to that complaint. If a plaintiff in any such case is permitted to use a complaint separate from the Consolidated Complaint, defendants shall have sixty (60) days from the date the Court grants such permissions within which to answer, plead, or otherwise move with respect to that complaint.

VII. PLEADINGS AND MOTIONS

Defendants are not required to respond to the complaint in any action consolidated into this action except as provided in section VI above and other than the Consolidated Complaint

Defendants shall respond to the Consolidated Complaint within 60 days of this Order.

Plaintiffs shall file a motion for class certification within sixty (60) days of this Order.

The Court hereby enters as a protective order in this Consolidated Action the confidentiality agreement ordered on April 30, 2014 in the matter *Whitley et al. v. J.P. Morgan Chase & Co. et al.*, Case No. 12-cv-2548-VSB (Docket No. 133).

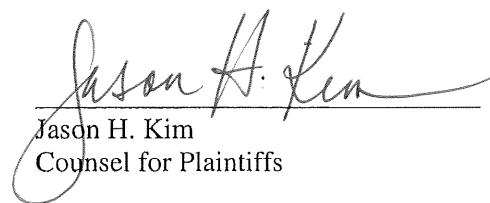
VIII. DISMISSAL OF INDIVIDUAL ACTIONS

The individual claims of the plaintiffs in *Evans v. J.P. Morgan Chase, N.A., et al.*, Case No. 14-cv-02276-VSB; plaintiffs in *Adams v. J.P. Morgan Retirement Services, LLC, et al.*, 14-cv-07593-VSB; and plaintiffs in *Ashurst v. J.P. Morgan Retirement Services, LLC, et al.*, Case No. 14-cv-07594-VSB, listed in the attached Exhibit A, shall be dismissed without prejudice, with all parties to those individual claims to bear their own costs. The individual claims not so dismissed shall be consolidated into the consolidated action as set forth above.

IX. SCOPE OF ORDER

The terms of this Order shall not have the effect of making any person, firm or entity a party to any action in which he, she or it has not been named, served or added as such in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the consolidation ordered herein shall not constitute a waiver by any party of any claims or defenses to any action. For the avoidance of doubt, Defendants do not waive and intend to preserve any arguments in opposition to class certification, and this Order shall not be interpreted to decide or preclude any such arguments.

DATED: December 3, 2014



Jason H. Kim
Counsel for Plaintiffs

Michael M. Mulder, Esq.
Elena N. Liveris, Esq.
LAW OFFICES OF
MICHAEL M. MULDER
321 South Plymouth Court
Suite 1250
Chicago, Illinois 60604

Tel: (312) 263-0272
Fax: (312) 263-2942
mmmulder@mmulderlaw.com
eliveris@mmulderlaw.com
Appearing pro hac vice

Jason H. Kim, Esq.
Todd Schneider, Esq.
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
180 Montgomery Street
Suite 2000
San Francisco, California 94104
Tel: (415) 421-7100
Fax: (415) 421-7105
jkim@schnneiderwallace.com
Appearing pro hac vice

Garrett W. Wotkyns, Esq.
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
8501 N. Scottsdale Road
Suite 270
Scottsdale, Arizona 85253
Tel: (480) 428-0144
Fax: (866) 505-8036
gwtkyns@schnneiderwallace.com
Appearing pro hac vice

Joseph Peiffer, Esq.
PEIFFER ROSCA ABDULLAH & CARR,
LLC
201 St. Charles Avenue
Suite 4610
New Orleans, Louisiana 70170
Tel: (504) 523-2434
jpeiffer@fishmanhaygood.com
Appearing pro hac vice

Peter Mougey, Esq.
James Kauffman, Esq.
LEVIN PAPANTONIO THOMAS
MITCHELL RAFFERTY & PROCTOR,
P.A.
316 South Baylen Street
Suite 600

Pensacola, Florida 32502
prougey@levinlaw.com
jkauffman@levinlaw.com
Appearing pro hac vice

Kevin Madonna (Bar No. KM5595)
KENNEDY & MADONNA, LLP
48 Dewitt Mills Road
Hurley, NY 12443
Tel: (845) 481-2622
Fax: (845) 230-3111

Randall E. Hendricks
Lawrence A. Rouse
Kirk T. May
Phillip G. Greenfield
ROUSE HENDRICKS GERMAN MAY PC
1201 Walnut
Suite 2000
Kansas City, Missouri 64106
RandyH@rhgm.com
LarryR@rhgm.com
KirkM@rhgm.com
PhilG@rhgm.com

Azeez Hayne
Counsel for Defendants

Greg Braden
MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004
gbraden@morganlewis.com

Melissa Hill
MORGAN LEWIS & BOCKIUS LLP
101 Park Avenue
New York, New York 10178
mhill@morganlewis.com

Azeez Hayne
MORGAN LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
ahayne@morganlewis.com

THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.

SO ORDERED:

DATED: 12/8/2014



HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE

Exhibit A

14-CV-02276-VSB
EVANS, et al., v. J.P. MORGAN CHASE

PLAINTIFFS

Daryl Evans, Twila Adair, Amy Adamson, Shelly C. Adkins, Simone Allen, Brenda Anderson, Dawn Anderson, Wiley Steven Anderson, Donna Andrus, Arlene Archuleta, Sharon Arnold, Sharon Arrett, Carol Arth, Mary E. Ashley, Nancy Bailey, Margaret Baldomino, Brenda Barnes, Kathy Barnes, Maria Baslee, Rosemary Baugher, Brian Beagle, Kimberly Bedsworth, Sheri Lynn Bennaka, Teresa Bennett, Tonya Best, Brandy Blackmon, Patrice L. Block, Kelly Bogue, Karen J. Bolten, Johanna Bonavia, Patricia Bonilla, Cheryl Bowling, Tamerra Bramblett, Tina Braxdale, Terry Brooks, Cheryl Brown, Barbara Bryant, Tamara Bryant, Roslyn Calhoun, Helen Sue Campbell, Maria Carpenter, Beverly Casey, Stephanie Chapman, Angela Clark, Cameron Clark, Roxann E. Clements, Careelane Cline, Diana Coffman, Candance Cole, Dana Collins, Sherry Cook, Linda Copher, Barbara Crites, Kathy Croft, Bobbi Cross, Kathy Culter, Harriette Cummings, David Cypret, Mary Cypret, Kathleen Danzo, Carol Davis, William "Seth" Davis, Bevin Dendish, Mary Downey, Patsy Downey, Diana Dunn, Marla Edie, Antonia Ewing, Janalynn Faiva, Mary Faris, Judy Finkemeier, Pamela Foster, Theresa Franke, Kathryn Fritz, Wilma Garcia, Pamela Gash, Tammie Gentry, Melynda Germann, Angela Gilliland, Dana Glynn, Elena Graham, Alice Gross, Denise Guthrie, Frank Guzman Jr., Sherri Shultz Hampton, Sandra Hancox, Lori Harding, Darlene Harold, Rhubella Ann Harper, April Hartman, Margaret Hartwig, Pamela Hawkins, Brenda Helm, Drew Henson, Patricia Herendeen, Karen Herrin, Debra Hershberger, Christie Hill, Rhonda Hohenstien, Mary Hoff, Anita Holden, Julie Hopkins, Judy Horne, Ida J. Howell, Kelly Ann Howell, Ruby Huffman, Stella Hunsaker, Lisa Hunsel, Jerri Huntley, Teresa Hurt, Marquita Hutchinson, Ronald Jackson, Renu Jain, Dana Johnson, Earnestine Johnson, Julie Johnson, Wendy Johnson, Cheryl Jones, Malinda Jones, Leslie Keck, Vivian Keebler, Jennifer Keeran, Janis Kelly, Jody Kiler, Barbara Kimbrough, Ebony King, Shelby Kirk, Jackie Klemenz, Darlene Kleoppel, Stacy Knapp, Janet Kraatz, Lisa Landon, David Lartey, Veta Lasater, Shirley Leming, Melody Lewellen, Linda Long, Kimberly Louis, Anna Mahoney, Jean Marie Martin, Roxanne McCarron, Lisa McClain, Deanna McKenzie, Linda McMurray, Alice Meadors, Carrie Miller, Virginia Mills, Carin Mitchell, Violet Montgomery, Marilyn Moore, Rebecca Moore, Alice Marie Moroso, Karen Morris, Angela Morrison, Elizabeth Murray, Sandra Murski, Cathy Myer, Sara Nauser, Sundra Nunley, Ronda Olf, Susie Oliver, Jeff Parker, Stephanie Parker, Angela Parks, Terri Parrish, Vicky L. Payne, Sonya Pearson, Lois Petty, Gregory Phillips, Melissa Phillips, Lawrence Portz, Donna Powell, Michelle Rahe, Susan Henshaw, Jeannie Rhodes, Malissa Richardson, Machelle Ring, Deborah Ringgold-Miller, Laura Roberts, Valerie Robinson, Leslie Rodgers, Jan Rogers, Donita Romines, Deborah Roth, Michelle Rothgeb, Barbara Roy, Karen Rutherford, Wendy Schreier, Karen Schuler, Connie Scott, Vivian Scroggins, Tracie Serner, Pamela Shamp, Mary Shannon, Brenda Shaw, Susan Shelby, Roberta Shiflett, Traci Shipp, Benita Shores, Elizabeth Simon, Jeanine Simpson, Susan Simpson, Tracy Sisson, Nancy Skiles, Dianna Sleyster, Sonia Sloan, Bonnie Smith, Rose Smith, Michelle Sparks, Debra Stamper, Linda Stansell, Ollie Steele, Sharon Steffens, Rebecca Stigler, Julie Sullivan, Terri Surface, Dana Tacker, Elizabeth Thomas, Jennifer Thomas, Sharlyn Thompson, Debbie Tomlinson, Mary Tracy, Eunice Trotter, Sheri Tucker, Patricia Vasquez, Pamela Wade, Melodi Walls, Loretta Washington, Bernadette Weaver, Pamela Webb, Sharon Weddle, Mary Ann Wegener, Jill Weichold, Shannon Wheeler, Robin White, LaTonya Whitmire, Lori Williams, Regina Williams, Yvonne Williams, Jennifer Wilson, Charlene Winfrey, Janice Winston, Carolyn Woods, Carol Woodward, Vicky Wooten and Cathy Yuille

**14-CV-07593-VSB
ADAMS, et al.,
v. JP MORGAN RETIREMENT PLAN SERVICES**

PLAINTIFFS

Kimberly Adams, Susan Bailey, Cathleen Cameron, DeLisa Cook, Denise Davis, Ruby Eason, Vivian Felker, Wendy Gardner, Sharrye Hagins, Alice Jessip, Cynthia Justice, Marjorie Keeran, Sonya Lackey, Julie Mackie, Michelle Murphy, Peggy Newkirk, Heath Parker, Deborah Reed, Phyllis Richards, Dora Sanders, Alma Ruth Smith, Annette Tann, Sheryll Thomas, Linda Vande Voorde and Rowena Washington

**14-CV-07594-VSB
ASHURST, et al., v.
J.P. MORGAN RETIREMENT SERVICES**

PLAINTIFFS

Stahr D. Ashurst, Sandra Allin, Valerie Arrocha, LeAnn M. Belew, Linda Sue Beltz, Brandy Blackmon, Lori Boniedot, Kelly Bremer, Sheila R. Brock, Kathleen Burmeister, Sharon Caponetto, Jeanetta Cobb, Kathy Cox, Heather D. Craft, Brenda S. Dannaldson, Cicilyn Davis, Terri Davis, Shirley Dieckhoff, Gayla Dowell, Heather Downey, Wilma J. Ebert, Karen Euritt, Margaret A. Evans, Sara Ferguson, Cathleen R. Frantz, Lynn Frentrop, Charlene Fitzhugh, Kimberly Foudree, Emily Galloway, Sharon Grammer, Linda Green, Lynn Green, Patricia Hake, Kayla Hale, Ginny Hart, Minnie Henson, Myrle Hill, Janice Hohenburg, Deborah Hopkins, Vicki Hopkins, Anita Houston, Lynn Huff, Melanie Jefferson, Soteria Jenkins, Kathleen Johnson, Cynthia Jones, Vickie Jones, Robert Kordalski, Tamara Liber, Paula Luna, Phyllis Luther, Pamala McGee, Leona McGinnis, Michael McMurray, Saundra McRae, Cecil Morris, Neal Moster, Sandra Oertwig, Tamara O'Hare, Sheri Orr-Davidson, Jo Parker, Diane Postlethwait, Bernice Pryor, Linda Rohaus, Connie Schmidt, Beatrix Schmitt, Shirley Scott, Peggy Smith, Troy Spencer, Carolyn Thomas, Deborah P. Thomas, Shanna Thompson, Paris Valleau, Anita Walker, Virginia Wanamaker, Sue Wayne, Joyce Webb, Cynthia White, Teresa White, Chandra Williams, Eavy Wilson, Sheila Wittmeyer, Michele Woodman, Vicky Wooten and Carolyn Woods